

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry
Umbrella-Unit: **01-001**
Statutory authority: 7 MRSA §3154
Chapter number/title: **Ch. 61**, Maine Milk Pool Cost of Administration
Filing number: **2014-038**
Effective date: 4/1/2014
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The principal reason for this rule-making is to amend the cost of administering the Maine Milk Pool to recover current costs.

Basis statement:

Costs incurred for the Maine Milk Pool for personnel services and for operation was approximately \$60,000 in 2013. Based on the last twelve months expenses, it is estimated that the Pool costs for similar expenses for 2014 will be about \$60,000.

The total pounds in the Pool for the last twelve months (December 2012 – December 2013) were 603,668,280. It is estimated that the total pounds in the Pool for 2014 will be approximately 600,000,000.

Based on the above projected costs and pounds the Pool Administrator sets the rate per hundredweight of milk for the cost of administering the Pool for calendar year 2014 at \$0.01/cwt.

A public hearing was held on 2/18/14 and a written comment period was open through 2/28/14. No comments were received.

Fiscal impact of rule:

None.

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Agency name: Department of Agriculture, Conservation and Forestry
Umbrella-Unit: **01-001**
Statutory authority: 7 MRSA §§ 891 - 898
Chapter number/title: **Ch. 347**, Maple Syrup Processing
Filing number: **2014-117**
Effective date: 6/22/2014
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

Clarification and updating of relevant sections including clarification of DACF and DHHS roles for licensing and inspections at agricultural fairs.

Basis statement:

During the First Regular session of the 126th Maine State Legislature, the Legislature adopted Ch. 30, LD 657, *Resolve, Directing the Department of Agriculture, Conservation and Forestry to Review, Clarity and Update Its Rules Pertaining to the Maple Syrup Industry.*

Fiscal impact of rule:

No fiscal impact anticipated.

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Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry, **Bureau of Agriculture, Food and Rural Resources**
Umbrella-Unit: **01-001**
Statutory authority: 7 MRSA Ch. 10 §306-A
Chapter number/title: **Ch. 33**, Rules Governing the Agricultural Development Grant Fund
Filing number: **2014-213**
Effective date: 10/4/2014
Type of rule: Major Substantive
Emergency rule: No

Principal reason or purpose for rule:

This rule-making will make a change in administration of the grant fund. This rule change provides more flexibility with respect to grants and contracts and allows the department to directly fund agricultural development projects.

Basis statement:

The Agricultural Development Grant Program provides competitive funding to eligible entities to conduct market research, market promotion and/or new technology demonstration programs. This fund also allows for the Commissioner of Agriculture, Conservation and Forestry, to fund special or emergency projects.

This rule-making is in response to P.L. Ch. 64 passed on May 7, 2013. The legislature made changes to the law to clarify allowance for the Commissioner to either conduct competitive or noncompetitive requests for proposals. The legislation also set more flexible cost-share matching percentages, and set overall upper limits to the amount of grant funds awarded to anyone project. The legislature also made the rule-making major substantive in order to allow for legislative review for future rule-making. Overall the purpose of the legislative changes was to improve the administration of the program.

The rule changes made included the following:

- Updating/Changing the name of the Department to Department of Agriculture, Conservation and Forestry in the title of the rule.
- Updating/Changing the name of the Division administering the grant program from the Division of Market and Production Development to the Bureau of Agriculture, Food and Rural Resources in the title of the rule.
- Eliminating the maximum grant amount allowed under the program from \$30,000 to no more than 50% of the amount of funds available in section V.A.2. and in section V.C.3.
- Clarifying that the grants are "Competitive" grants in section V and setting that process as different from direct contracting for "Special Projects" in section VI.
- Allows for the Commissioner to set a priority area(s) if he deems it necessary, rather than making it mandatory that he do so in section V.B.I.
- Allows for the Commissioner or Bureau Director to establish a lower match requirement for special or emergency projects under the Competitive Grants Program in section V.C.1., lower than the 25% required currently.
- Clarifies which part of the rules apply for solicitation procedures only to the Competitive Grants Program in section V.D. and section V.E titles.
- Changes the way requests for proposals are handled. In the past the applicant was required to send proposals to the Department. Now they will follow standardized procedures established by the Division of Purchases as noted in section V.E.2.

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- Changes the Advisory Committee make-up to include the Bureau Director rather than the Director of the Division of Market and Production Development in section V.H.1.
- Change to allow the Commissioner to contract with others besides the University of Maine for special projects in section VI.A. Other entities now will include qualified individuals, firms or organizations.
- The final change in section VI.C.3. limits what the University or other institutions of learning can charge for overhead expenditures.

Fiscal impact of rule:

None.

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Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry
Umbrella-Unit: **01-001**
Statutory authority: 7 MRSA §1821
Chapter number/title: **Ch. 203**, Rules for the Participation in the Maine Chronic Wasting Disease Surveillance Program
Filing number: **2014-277**
Effective date: 12/8/2014
Type of rule: Routine technical
Emergency rule: No

Principal reason or purpose for rule:

The changes are necessary to bring Maine's Chronic Wasting Disease (CWD) Herd Certification Program (HCP) in compliance with new federal minimum standards.

Basis statement:

The suggested changes are necessary to bring Maine's Chronic Wasting Disease (CWD) Herd Certification Program (HCP) in compliance with new federal minimum standards. New federal standards for this program went into effect in December of 2012; Maine needs to change the testing age requirements of the program as follows to be compliant with federal law Facility inspections and Herd inventory reviews defined in 9 CFR 55.23(b)(4) Responsibilities of States and enrolled herd owners (January 1, 2012) which can be found here:

<http://www.gpo.gov/fdsys/granule/CFR-2012-title9-vol1/CFR-2012-title9-vol1-sec55-23/content-detail.html> .

Changes the yearly testing for the captive cervid operation by:

1. Submitting for testing appropriate CWD samples from all natural deaths of cervids from 16 to 12 months.
2. Submitting for testing appropriate CWD samples from slaughtered and/or harvested cervids over from 16 to 12 months of age so that the total sample size reflects to does not to exceed a 2 percent prevalence level and 95 percent confidence.

Fiscal impact of rule:

None.

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Agency name: Department of Agriculture, Conservation and Forestry
Umbrella-Unit: **01-001**
Statutory authority: 7 MRSA §1821
Chapter number/title: **Ch. 206**, Prevention and Control of Certain Diseases of Domestic Animals and Poultry
Filing number: **2014-278**
Effective date: 12/8/2014
Type of rule: Routine technical
Emergency rule: No

Principal reason or purpose for rule:

The changes are necessary to bring Maine's Chronic Wasting Disease (CWD) Herd Certification Program (HCP) in compliance with new federal minimum standards. New federal standards for this program went into effect in December of 2012.

Basis statement:

The changes are necessary to bring Maine's Chronic Wasting Disease (CWD) Herd Certification Program (HCP) in compliance with new federal minimum standards. New federal standards for this program went into effect in December of 2012.

This proposed rule amendment brings Maine's Chronic Wasting Disease (CWD) Herd Certification Program (HCP) into compliance with new federal minimum standards that went into effect in December of 2012. This proposed amendment adds Chronic Wasting Disease (CWD) to Maine's Reportable Animal Disease (RAD) list, which is contained in this rule.

Fiscal impact of rule:

None.

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry,
Maine Milk Commission
Umbrella-Unit: **01-015**
Statutory authority: 5 MRSA §8054, 7 MRSA §2954
Chapter number/title: **Ch. 3**, Schedule of Minimum Prices, **Order #02-14**
Filing number: **2014-012**
Effective date: 2/2/2014
Type of rule: Routine Technical
Emergency rule: Yes

Principal reason or purpose for rule:

The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRSA §2954.

The final February 2014 minimum Class I price is \$25.27/cwt. plus \$1.35/cwt. for Producer margins and a \$1.53/cwt. that reflects premiums being offered and prevailing in Southern New England and \$0.47/cwt. handling fee for a total of \$28.82/cwt., that includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at \$3.96.

Basis statement:

Pursuant to 5 MRSA §8054 and 7 MRSA §2954 the Maine Milk Commission conducted an emergency rule-making hearing to determine whether or not the minimum price payable to producers for milk should be immediately changed due to developments in milk pricing in southern New England.

Federal Order One Northeast Market Administrator announced a Class III price of \$18.95/cwt. and a Class IV price of \$21.54/cwt. for December 2013.

The Class II price for December 2013 is \$21.66/cwt. as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the Federal Order Class I price of \$25.27/cwt. plus \$1.35/cwt. for cost of production and an over-order premium of \$1.53/cwt. as being prevailing in southern New England based on the evidence presented at the Commission hearing on January 24, 2014 and therefore should be passed on in minimum prices effective February 2, 2014. These prices also include a handling fee of \$0.47/cwt.

The schedule of prices listed herein reflects the latest Class I, Class II, Class III and Class IV prices plus the minimum dealer, producer and retail margins adopted by the Commission's Orders (DM) Dealer Margins, (PM) Producer Margins, and (RM) Retail Margins. The Class I prices reflect a Processor Assessment of \$.20/cwt. as authorized by Commission Order #93-MPF. Any change in prices at any level from last month reflects the action taken today by the Commission for Class I, Class II, Class III and Class IV and Butterfat prices.

Fiscal impact of rule:

None.

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Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry,
Maine Milk Commission
Umbrella-Unit: **01-015**
Statutory authority: 5 MRSA §8054, 7 MRSA §2954
Chapter number/title: **Ch. 3**, Schedule of Minimum Prices, **Order #03-14**
Filing number: **2014-023**
Effective date: 3/2/2014
Type of rule: Routine Technical
Emergency rule: Yes

Principal reason or purpose for rule:

The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRSA §2954.

The final March 2014 minimum Class I price is \$26.89/cwt. plus \$1.25/cwt. for Producer margins and a \$1.53/cwt. that reflects premiums being offered and prevailing in Southern New England and \$0.47/cwt. handling fee for a total of \$30.34/cwt., that includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at \$4.09.

Basis statement:

Pursuant to 5 MRSA §8054 and 7 MRSA §2954 the Maine Milk Commission conducted an emergency rule-making hearing to determine whether or not the minimum price payable to producers for milk should be immediately changed due to developments in milk pricing in southern New England.

Federal Order One Northeast Market Administrator announced a Class III price of \$21.15/cwt. and a Class IV price of \$22.29/cwt. for January 2014.

The Class II price for January 2014 is \$22.21/cwt. as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the Federal Order Class I price of \$26.89/cwt. plus \$1.25/cwt. for cost of production and an over-order premium of \$1.53/cwt. as being prevailing in southern New England based on the evidence presented at the Commission hearing on February 21, 2014 and therefore should be passed on in minimum prices effective March 2, 2014. These prices also include a handling fee of \$0.47/cwt.

The schedule of prices listed herein reflects the latest Class I, Class II, Class III and Class IV prices plus the minimum dealer, producer and retail margins adopted by the Commission's Orders (DM) Dealer Margins, (PM) Producer Margins, and (RM) Retail Margins. The Class I prices reflect a Processor Assessment of \$.20/cwt. as authorized by Commission Order #93-MPF. Any change in prices at any level from last month reflects the action taken today by the Commission for Class I, Class II, Class III and Class IV and Butterfat prices.

Fiscal impact of rule:

None.

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Agency name: Department of Agriculture, Conservation and Forestry,
Maine Milk Commission
Umbrella-Unit: **01-015**
Statutory authority: 5 MRSA §8054, 7 MRSA §2954
Chapter number/title: **Ch. 3**, Schedule of Minimum Prices, **Order #04-14**
Filing number: **2014-055**
Effective date: 3/30/2014
Type of rule: Routine Technical
Emergency rule: Yes

Principal reason or purpose for rule:

The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRSA §2954.

The final February 2014 minimum Class I price is \$26.90/cwt. plus \$1.25/cwt. for Producer margins and a \$1.53/cwt. that reflects premiums being offered and prevailing in Southern New England and \$0.47/cwt. handling fee for a total of \$30.35/cwt., that includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at \$4.10.

Basis statement:

Pursuant to 5 MRSA §8054 and 7 MRSA §2954 the Maine Milk Commission conducted an emergency rule-making hearing to determine whether or not the minimum price payable to producers for milk should be immediately changed due to developments in milk pricing in southern New England.

Federal Order One Northeast Market Administrator announced a Class III price of \$23.35/cwt. and a Class IV price of \$23.46/cwt. for February 2014.

The Class II price for February 2014 is \$23.73/cwt. as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the Federal Order Class I price of \$26.90/cwt. plus \$1.25/cwt. for cost of production and an over-order premium of \$1.53/cwt. as being prevailing in southern New England based on the evidence presented at the Commission hearing on March 20, 2014 and therefore should be passed on in minimum prices effective March 30, 2014. These prices also include a handling fee of \$0.47/cwt.

The schedule of prices listed herein reflects the latest Class I, Class II, Class III and Class IV prices plus the minimum dealer, producer and retail margins adopted by the Commission's Orders (DM) Dealer Margins, (PM) Producer Margins, and (RM) Retail Margins. The Class I prices reflect a Processor Assessment of \$.20/cwt. as authorized by Commission Order #93-MPF. Any change in prices at any level from last month reflects the action taken today by the Commission for Class I, Class II, Class III and Class IV and Butterfat prices.

Fiscal impact of rule:

None.

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Agency name: Department of Agriculture, Conservation and Forestry,
Maine Milk Commission
Umbrella-Unit: **01-015**
Statutory authority: 5 MRSA §8054, 7 MRSA §2954
Chapter number/title: **Ch. 3**, Schedule of Minimum Prices, **Order #05-14**
Filing number: **2014-085**
Effective date: 5/4/2014
Type of rule: Routine Technical
Emergency rule: Yes

Principal reason or purpose for rule:

The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRSA §2954.

The final May 2014 minimum Class I price is \$27.72/cwt. plus \$1.16/cwt. for Producer margins and a \$1.53/cwt. that reflects premiums being offered and prevailing in Southern New England and \$0.47/cwt. handling fee for a total of \$31.08/cwt., that includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at \$4.16.

Basis statement:

Pursuant to 5 MRSA §8054 and 7 MRSA §2954 the Maine Milk Commission conducted an emergency rule-making hearing to determine whether or not the minimum price payable to producers for milk should be immediately changed due to developments in milk pricing in southern New England.

Federal Order One Northeast Market Administrator announced a Class III price of \$23.33/cwt. and a Class IV price of \$23.66/cwt. for March 2014.

The Class II price for March 2014 is \$24.22/cwt. as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the Federal Order Class I price of \$27.72/cwt. plus \$1.16/cwt. for cost of production and an over-order premium of \$1.53/cwt. as being prevailing in southern New England based on the evidence presented at the Commission hearing on April 24, 2014 and therefore should be passed on in minimum prices effective May 4, 2014. These prices also include a handling fee of \$0.47/cwt.

The schedule of prices listed herein reflects the latest Class I, Class II, Class III and Class IV prices plus the minimum dealer, producer and retail margins adopted by the Commission's Orders (DM) Dealer Margins, (PM) Producer Margins, and (RM) Retail Margins. The Class I prices reflect a Processor Assessment of \$.20/cwt. as authorized by Commission Order #93-MPF. Any change in prices at any level from last month reflects the action taken today by the Commission for Class I, Class II, Class III and Class IV and Butterfat prices.

Fiscal impact of rule:

None.

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Agency name: Department of Agriculture, Conservation and Forestry,
Maine Milk Commission
Umbrella-Unit: **01-015**
Statutory authority: 5 MRSA §8054, 7 MRSA §2954
Chapter number/title: **Ch. 3**, Schedule of Minimum Prices, **Order #06-14**
Filing number: **2014-102**
Effective date: 6/1/2014
Type of rule: Routine Technical
Emergency rule: Yes

Principal reason or purpose for rule:

The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRSA §2954.

The final June 2014 minimum Class I price is \$26.11/cwt. plus \$1.16/cwt. for Producer margins and a \$1.53/cwt. that reflects premiums being offered and prevailing in Southern New England and \$0.47/cwt. handling fee for a total of \$29.47/cwt., which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at \$4.02.

Basis statement:

Pursuant to 5 MRSA §8054 and 7 MRSA §2954, the Maine Milk Commission conducted an emergency rule-making hearing to determine whether or not the minimum price payable to producers for milk should be immediately changed due to developments in milk pricing in southern New England.

Federal Order One Northeast Market Administrator announced a Class III price of \$24.31/cwt. and a Class IV price of \$23.34/cwt. for April 2014

The Class II price for April 2014 is \$24.74/cwt. as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the Federal Order Class I price of \$26.11/cwt. plus \$1.16/cwt. for cost of production and an over-order premium of \$1.53/cwt. as being prevailing in southern New England based on the evidence presented at the Commission hearing on May 22, 2014 and therefore should be passed on in minimum prices effective June 1, 2014. These prices also include a handling fee of \$0.47/cwt.

The schedule of prices listed herein reflects the latest Class I, Class II, Class III and Class IV prices plus the minimum dealer, producer and retail margins adopted by the Commission's Orders (DM) Dealer Margins, (PM) Producer Margins, and (RM) Retail Margins. The Class I prices reflect a Processor Assessment of \$.20/cwt. as authorized by Commission Order #93-MPF. Any change in prices at any level from last month reflects the action taken today by the Commission for Class I, Class II, Class III and Class IV and Butterfat prices.

Fiscal impact of rule:

None.

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Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry,
Maine Milk Commission
Umbrella-Unit: **01-015**
Statutory authority: 5 MRSA §8054, 7 MRSA §2954
Chapter number/title: **Ch. 3**, Schedule of Minimum Prices, **Order #07-14**
Filing number: **2014-128**
Effective date: 6/29/2014
Type of rule: Routine Technical
Emergency rule: Yes

Principal reason or purpose for rule:

The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRSA §2954.

The final July 2014 minimum Class I price is \$26.27/cwt. plus \$1.16/cwt. for Producer margins and a \$1.53/cwt. that reflects premiums being offered and prevailing in Southern New England and \$0.47/cwt. handling fee for a total of \$29.63/cwt., which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at \$4.04.

Basis statement:

Pursuant to 5 MRSA §8054 and 7 MRSA §2954, the Maine Milk Commission conducted an emergency rule-making hearing to determine whether or not the minimum price payable to producers for milk should be immediately changed due to developments in milk pricing in southern New England.

Federal Order One Northeast Market Administrator announced a Class III price of \$22.57/cwt. and a Class IV price of \$22.65/cwt. for May 2014

The Class II price for May 2014 is \$24.44/cwt. as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the Federal Order Class I price of \$26.27/cwt. plus \$1.16/cwt. for cost of production and an over-order premium of \$1.53/cwt. as being prevailing in southern New England based on the evidence presented at the Commission hearing on June 19, 2014 and therefore should be passed on in minimum prices effective June 29, 2014. These prices also include a handling fee of \$0.47/cwt.

The schedule of prices listed herein reflects the latest Class I, Class II, Class III and Class IV prices plus the minimum dealer, producer and retail margins adopted by the Commission's Orders (DM) Dealer Margins, (PM) Producer Margins, and (RM) Retail Margins. The Class I prices reflect a Processor Assessment of \$.20/cwt. as authorized by Commission Order #93-MPF. Any change in prices at any level from last month reflects the action taken today by the Commission for Class I, Class II, Class III and Class IV and Butterfat prices.

Fiscal impact of rule:

None.

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Agency name: Department of Agriculture, Conservation and Forestry,
Maine Milk Commission
Umbrella-Unit: **01-015**
Statutory authority: 5 MRSA §8054, 7 MRSA §2954
Chapter number/title: **Ch. 3**, Schedule of Minimum Prices, **Order #08-14**
Filing number: **2014-154**
Effective date: 8/3/2014
Type of rule: Routine Technical
Emergency rule: Yes

Principal reason or purpose for rule:

The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRSA §2954.

The final August 2014 minimum Class I price is \$30.48/cwt. plus \$1.16/cwt. for Producer margins and a \$ 1.53/cwt. that reflects premiums being offered and prevailing in Southern New England and \$0.47/cwt. handling fee for a total of \$30.48/cwt., which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at \$4.12.

Basis statement:

Pursuant to 5 MRSA §8054 and 7 MRSA §2954 the Maine Milk Commission conducted an emergency rule-making hearing to determine whether or not the minimum price payable to producers for milk should be immediately changed due to developments in milk pricing in southern New England.

Federal Order One Northeast Market Administrator announced a Class III price of \$21.36/cwt. and a Class IV price of \$23. 13/cwt. for June 2014.

The Class II price for June 2014 is \$23.94/cwt. as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the Federal Order Class I price of \$27.12/cwt. plus \$1.16/cwt. for cost of production and an over-order premium of \$1.53/cwt. as being prevailing in southern New England based on the evidence presented at the Commission hearing on July 25, 2014 and therefore should be passed on in minimum prices effective July 3, 2014. These prices also include a handling fee of \$0.47/cwt.

The schedule of prices listed herein reflects the latest Class I, Class II, Class III and Class IV prices plus the minimum dealer, producer and retail margins adopted by the Commission's Orders (DM) Dealer Margins, (PM) Producer Margins, and (RM) Retail Margins. The Class I prices reflect a Processor Assessment of \$.20/cwt. as authorized by Commission Order #93-MPF. Any change in prices at any level from last month reflects the action taken today by the Commission for Class I, Class II, Class III and Class IV and Butterfat prices.

Fiscal impact of rule:

None.

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Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry,
Maine Milk Commission
Umbrella-Unit: **01-015**
Statutory authority: 5 MRSA §8054, 7 MRSA §2954
Chapter number/title: **Ch. 3**, Schedule of Minimum Prices, **Order #09-14**
Filing number: **2014-207**
Effective date: 8/31/2014
Type of rule: Routine Technical
Emergency rule: Yes

Principal reason or purpose for rule:

The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRSA §2954.

The final September 2014 minimum Class I price is \$26.88/cwt. plus \$1.16/cwt. for Producer margins and a \$1.53/cwt. that reflects premiums being offered and prevailing in Southern New England and \$0.47/cwt. handling fee for a total of \$30.24/cwt., which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at \$4.10.

Basis statement:

Pursuant to 5 MRSA §8054 and 7 MRSA §2954 the Maine Milk Commission conducted an emergency rule-making hearing to determine whether or not the minimum price payable to producers for milk should be immediately changed due to developments in milk pricing in southern New England.

Federal Order One Northeast Market Administrator announced a Class III price of \$21.60/cwt. and a Class IV price of \$23.78/cwt. for July 2014.

The Class II price for July 2014 is \$24.41/cwt. as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the Federal Order Class I price of \$26.88/cwt. plus \$1.16/cwt. for cost of production and an over-order premium of \$1.53/cwt. as being prevailing in southern New England based on the evidence presented at the Commission hearing on August 21, 2014 and therefore should be passed on in minimum prices effective August 31, 2014. These prices also include a handling fee of \$0.47/cwt.

The schedule of prices listed herein reflects the latest Class I, Class II, Class III and Class IV prices plus the minimum dealer, producer and retail margins adopted by the Commission's Orders (DM) Dealer Margins, (PM) Producer Margins, and (RM) Retail Margins. The Class I prices reflect a Processor Assessment of \$.20/cwt. as authorized by Commission Order #93-MPF. Any change in prices at any level from last month reflects the action taken today by the Commission for Class I, Class II, Class III and Class IV and Butterfat prices.

Fiscal impact of rule:

None.

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Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry,
Maine Milk Commission
Umbrella-Unit: **01-015**
Statutory authority: 5 MRSA §8054, 7 MRSA §2954
Chapter number/title: **Ch. 3**, Schedule of Minimum Prices, **Order #10-14**
Filing number: **2014-228**
Effective date: 9/28/2014
Type of rule: Routine Technical
Emergency rule: Yes

Principal reason or purpose for rule:

The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRSA §2954.

The final October 2014 minimum Class I price is \$27.44/cwt. plus \$1.16/cwt. for Producer margins and a \$1.53/cwt. that reflects premiums being offered and prevailing in Southern New England and \$0.47/cwt. handling fee for a total of \$30.80/cwt., which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at \$4.15.

Basis statement:

Pursuant to 5 MRSA §8054 and 7 MRSA §2954 the Maine Milk Commission conducted an emergency rule-making hearing to determine whether or not the minimum price payable to producers for milk should be immediately changed due to developments in milk pricing in southern New England.

Federal Order One Northeast Market Administrator announced a Class III price of \$22.25/cwt. and a Class IV price of \$23.89/cwt. for August 2014.

The Class II price for August 2014 is \$25.34/cwt. as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the Federal Order Class I price of \$27.44/cwt. plus \$1.16/cwt. for cost of production and an over-order premium of \$1.53/cwt. as being prevailing in southern New England based on the evidence presented at the Commission hearing on September 18, 2014 and therefore should be passed on in minimum prices effective September 28, 2014. These prices also include a handling fee of \$0.47/cwt.

The schedule of prices listed herein reflects the latest Class I, Class II, Class III and Class IV prices plus the minimum dealer, producer and retail margins adopted by the Commission's Orders (DM) Dealer Margins, (PM) Producer Margins, and (RM) Retail Margins. The Class I prices reflect a Processor Assessment of \$.20/cwt. as authorized by Commission Order #93-MPF. Any change in prices at any level from last month reflects the action taken today by the Commission for Class I, Class II, Class III and Class IV and Butterfat prices.

Fiscal impact of rule:

None.

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry,
Maine Milk Commission
Umbrella-Unit: **01-015**
Statutory authority: 7 MRSA §2954
Chapter number/title: **Ch. 27**, Retail Margins
Filing number: **2014-253**
Effective date: 10/11/2014
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The principal reason for this rule is the need to establish retail margins for milk sold within the State of Maine in accordance with 7 MRSA §2954.

Basis statement:

This rule establishes minimum retail margins for milk sold in Maine.

Fiscal impact of rule:

None.

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry,
Maine Milk Commission
Umbrella-Unit: **01-015**
Statutory authority: 5 MRSA §8054, 7 MRSA §2954
Chapter number/title: **Ch. 3**, Schedule of Minimum Prices, **Order #11-14**
Filing number: **2014-265**
Effective date: 11/2/2014
Type of rule: Routine Technical
Emergency rule: Yes

Principal reason or purpose for rule:

The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRSA §2954.

The final November 2014 minimum Class I price is \$27.31/cwt. plus \$1.16/cwt. for Producer margins and a \$1.53/cwt. that reflects premiums being offered and prevailing in Southern New England and \$0.47/cwt. handling fee for a total of \$30.67/cwt., which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at \$4.15.

Basis statement:

Pursuant to 5 MRSA §8054 and 7 MRSA §2954 the Maine Milk Commission conducted an emergency rule-making hearing to determine whether or not the minimum price payable to producers for milk should be immediately changed due to developments in milk pricing in southern New England.

Federal Order One Northeast Market Administrator announced a Class III price of \$24.60/cwt. and a Class IV price of \$22.58/cwt. for September 2014.

The Class II price for September 2014 is \$26.11/cwt. as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the Federal Order Class I price of \$27.31/cwt. plus \$1.16/cwt. for cost of production and an over-order premium of \$1.53/cwt. as being prevailing in southern New England based on the evidence presented at the Commission hearing on October 23, 2014 and therefore should be passed on in minimum prices effective November 2, 2014. These prices also include a handling fee of \$0.47/cwt.

The schedule of prices listed herein reflects the latest Class I, Class II, Class III and Class IV prices plus the minimum dealer, producer and retail margins adopted by the Commission's Orders (DM) Dealer Margins, (PM) Producer Margins, and (RM) Retail Margins. The Class I prices reflect a Processor Assessment of \$.20/cwt. as authorized by Commission Order #93-MPF. Any change in prices at any level from last month reflects the action taken today by the Commission for Class I, Class II, Class III and Class IV and Butterfat prices.

Fiscal impact of rule:

None.

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry,
Maine Milk Commission
Umbrella-Unit: **01-015**
Statutory authority: 5 MRSA §8054, 7 MRSA §2954
Chapter number/title: **Ch. 3**, Schedule of Minimum Prices, **Order #12-14**
Filing number: **2014-274**
Effective date: 11/30/2014
Type of rule: Routine Technical
Emergency rule: Yes

Principal reason or purpose for rule:

The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRSA §2954.

The final December 2014 minimum Class I price is \$25.78/cwt. plus \$1.16/cwt. for Producer margins and a \$1.53/cwt that reflects premiums being offered and prevailing in Southern New England and \$0.47/cwt. handling fee for a total of \$29.14/cwt., which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at \$4.02.

Basis statement:

Pursuant to 5 MRSA §8054 and 7 MRSA §2954 the Maine Milk Commission conducted an emergency rulemaking hearing to determine whether or not the minimum price payable to producers for milk should be immediately changed due to developments in milk pricing in southern New England.

Federal Order One Northeast Market Administrator announced a Class III price of \$23.82/cwt. and a Class IV price of \$21.35/cwt. for October 2014

The Class II price for October 2014 is \$21.93/cwt. as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the Federal Order Class I price of \$25.78/cwt. plus \$1.16/cwt. for cost of production and an over-order premium of \$1.53/cwt. as being prevailing in southern New England based on the evidence presented at the Commission hearing on November 20, 2014 and therefore should be passed on in minimum prices effective November 30, 2014. These prices also include a handling fee of \$0.47/cwt.

The schedule of prices listed herein reflects the latest Class I, Class II, Class III and Class IV prices plus the minimum dealer, producer and retail margins adopted by the Commission's Orders (DM) Dealer Margins, (PM) Producer Margins, and (RM) Retail Margins. The Class I prices reflect a Processor Assessment of \$.20/cwt. as authorized by Commission Order #93-MPF. Any change in prices at any level from last month reflects the action taken today by the Commission for Class I, Class II, Class III and Class IV and Butterfat prices.

Fiscal impact of rule:

None.

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry,
Maine Milk Commission
Umbrella-Unit: **01-015**
Statutory authority: 5 MRSA §8054, 7 MRSA §2954
Chapter number/title: **Ch. 3**, Schedule of Minimum Prices, **Order #01-15**
Filing number: **2014-289**
Effective date: 1/4/2015
Type of rule: Routine Technical
Emergency rule: Yes

Principal reason or purpose for rule:

The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRSA §2954.

The final January 2015 minimum Class I price is \$21.83/cwt. plus \$1.25/cwt. for Producer margins and a \$1.53/cwt. that reflects premiums being offered and prevailing in Southern New England and \$0.47/cwt. handling fee for a total of \$25.28/cwt., which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at \$3.66.

Basis statement:

Pursuant to 5 MRSA §8054 and 7 MRSA §2954 the Maine Milk Commission conducted an emergency rule-making hearing to determine whether or not the minimum price payable to producers for milk should be immediately changed due to developments in milk pricing in southern New England.

Federal Order One Northeast Market Administrator announced a Class III price of \$21.94/cwt. and a Class IV price of \$18.21/cwt. for November 2014.

The Class II price for November 2014 is \$19.91/cwt. as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the Federal Order Class I price of \$21.83/cwt. plus \$1.25/cwt. for cost of production and an over-order premium of \$1.53/cwt. as being prevailing in southern New England based on the evidence presented at the Commission hearing on December 18, 2014 and therefore should be passed on in minimum prices effective January 4, 2015. These prices also include a handling fee of \$0.47/cwt.

The schedule of prices listed herein reflects the latest Class I, Class II, Class III and Class IV prices plus the minimum dealer, producer and retail margins adopted by the Commission's Orders (DM) Dealer Margins, (PM) Producer Margins, and (RM) Retail Margins. The Class I prices reflect a Processor Assessment of \$0.20/cwt. as authorized by Commission Order #93-MPF. Any change in prices at any level from last month reflects the action taken today by the Commission for Class I, Class II, Class III and Class IV and Butterfat prices.

Fiscal impact of rule:

None.

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry, **Maine State Harness Racing Commission**
Umbrella-Unit: **01-017**
Statutory authority: 8 M.R.S. §§ 263-A, 268, 279-A and B
Chapter number/title: **Ch. 5**, Tracks: **Section 7**, Horsemen's Association Funding
Filing number: **2014-189**
Effective date: 8/19/2014
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

To define the requirements of what a statewide association is for the purpose of receiving monies from the funds to supplement purses in compliance with 8 MRS §272-B; to establish in rule the requirements to qualify to receive the funds; and, when funds are to be paid to the qualifying "association" from these funds.

Basis statement:

This rule will further clarify the statute governing a statewide association's assessment and use of funds from the Racino cascade. The Commission determined that clarification of what constitutes a state wide association and when payments were to be received was necessary.

Fiscal impact of rule:

None.

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry,
Maine State Harness Racing Commission
Umbrella-Unit: **01-017**
Statutory authority: 8 M.R.S. §§ 263-A, 268, 279-A and B
Chapter number/title: **Ch. 7**, Racing: **Section 8**, Preference
Filing number: **2014-190**
Effective date: 8/19/2014
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

To clarify what constitutes the preference date and to bring it into compliance with other jurisdictions.

Basis statement:

This rule will further clarify that a successful qualifying race will be a preference date.

Fiscal impact of rule:

None.

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry,
Maine State Harness Racing Commission
Umbrella-Unit: **01-017**
Statutory authority: 8 M.R.S. §§ 263-A, 268, 279-A and B
Chapter number/title: **Ch. 9**, Sire Stakes: **Section 4**, Performance Eligibility
Filing number: **2014-191**
Effective date: 8/19/2014
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The rule change will bring this existing rule into compliance with the change in Ch. 11, "Medication and Testing", Section 2.

Basis statement:

The Commission determined that this change was necessary due to the change in Ch. 11 Section 3, "Controlled Medication Program". The Controlled Medication Program has been changed to the Furosemide Program.

Fiscal impact of rule:

None.

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry,
Maine State Harness Racing Commission
Umbrella-Unit: **01-017**
Statutory authority: 8 M.R.S. §§ 263-A, 268, 279-A and B
Chapter number/title: **Ch. 11**, Medications and Testing; **Section 2**, Controlled Medication Program; **Section 7**, Antiulcer Medications; **Section 8**, Permitted Non-Steroidal Anti-Inflammatory Drugs (NSAIDs); **Section 9**, Androgenic – Anabolic Steroids (AAS)
Filing number: **2014-192**
Effective date: 8/19/2014
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

To make corrections to Section 2 by moving Phenylbutazone from the Controlled Medication Program to Section 8 that contains the Non-Steroidal Anti-Inflammatory Drug provisions. Further, to make corrections to Sections 7, 8 and 9 to bring them into compliance with new thresholds that have been established by the Association of Racing Commissions International (ARCI).

Basis statement:

The Commission determined that to bring its rules in line with other jurisdictions it would move Phenylbutazone from the Controlled Medication Program to Section 8 of this chapter and rename this section.

The Commission determined to establish new upper limits of concentrations for these drugs at the recommendation of the Commission's testing laboratory which will bring them in line with other jurisdictions. Further, it moved Phenylbutazone from the Controlled Medication Program section to the NSAIDs section. Also, it establishes upper limits of NSAIDs in the event more than one of the three approved NSAIDs is being used and establishes the upper limits of any approved NSAIDs in horses participating in the Sire Stakes Program.

The Commission determined that Section 9 needed to be re-written to mirror other jurisdictions as to content and the establishment of thresholds for the various anabolic and androgenic steroids found in horses.

Fiscal impact of rule:

This will reduce OSR account 0320-07 by \$12,500.00 per year.

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry, **Board of Pesticides Control**
Umbrella-Unit: **01-026**
Statutory authority: 7 M.R.S. §610, 22 M.R.S. §1471-M
Chapter number/title: **Ch. 20**, Special Provisions
Filing number: **2014-163**
Effective date: 9/11/2014
Type of rule: Major substantive
Emergency rule: No

Principal reason or purpose for rule:

Surveillance data from the last decade show that mosquito-borne viruses are on the increase in Maine. The first confirmed human case of West Nile Virus was documented in 2012. Due to threat of a disease outbreak, the Maine Center for Disease Control and Prevention may recommend wide-area mosquito control programs in targeted areas of the state in coming years. These programs would be very difficult to conduct under current state law, since Ch. 20 requires authorization from individual land owners and Ch. 22 imposes operational standards that would be impractical for wide-area programs conducted in residential areas. The amendment to Ch. 20 relaxes the need for individual property owner authorization when the Maine CDC recommends spraying due to vector-borne disease threats. The amendments to Ch. 22 exempt certain sections when the Maine CDC recommends spraying due to vector-borne disease threats - Identifying and Recording Sensitive Areas; Presence of Humans and Animals, and certain specifics of Site Plans-which would not be practical in an emergency situation. The amendments to Ch. 51 exempt government-sponsored, wide-area vector control programs from most of the chapter - notice requirements are included in Ch. 20 in lieu of individual notification-notice to the BPC and Maine Poison Control were not exempted.

Basis statement:

Surveillance data from the last decade show that mosquito-borne viruses are on the increase in Maine. The first confirmed human case of West Nile Virus in Maine was documented in 2012. Maine's Arboviral Illness Surveillance, Prevention and Response Plan is based on a national model and is similar to most other states. That plan calls for the Maine Center for Disease Control and Prevention to recommend adult mosquito control programs in targeted areas of the state if the threat of mosquito-borne disease reaches the "high" or "critical" phase. Conducting these programs would not be feasible under current state law. Ch. 20 requires authorization from each individual property owner which would be impractical for wide-area programs conducted in residential areas. The amendment to Ch. 20 relaxes the need for individual property owner authorization when the Maine CDC recommends spraying due to vector-borne disease threats.

Fiscal impact of rule:

The amendments will decrease the administrative burden and costs for conducting government sponsored, wide-area vector control programs.

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry, **Board of Pesticides Control**
Umbrella-Unit: **01-026**
Statutory authority: 7 M.R.S. §610(2), 22 M.R.S. §1471-M
Chapter number/title: **Ch. 22**, Standards for Outdoor Application of Pesticides by Powered Equipment in Order to Minimize Off-Target Deposition
Filing number: **2014-164**
Effective date: 9/11/2014
Type of rule: Major substantive
Emergency rule: No

Principal reason or purpose for rule:

Surveillance data from the last decade show that mosquito-borne viruses are on the increase in Maine. The first confirmed human case of West Nile Virus was documented in 2012. Due to threat of a disease outbreak, the Maine Center for Disease Control and Prevention may recommend wide-area mosquito control programs in targeted areas of the state in coming years. These programs would be very difficult to conduct under current state law, since Ch. 20 requires authorization from individual land owners and Ch. 22 imposes operational standards that would be impractical for wide-area programs conducted in residential areas. The amendment to Ch. 20 relaxes the need for individual property owner authorization when the Maine CDC recommends spraying due to vector-borne disease threats. The amendments to Ch. 22 exempt certain sections when the Maine CDC recommends spraying due to vector-borne disease threats - Identifying and Recording Sensitive Areas; Presence of Humans and Animals, and certain specifics of Site Plans- which would not be practical in an emergency situation. The amendments to Ch. 51 exempt government-sponsored, wide-area vector control programs from most of the chapter - notice requirements are included in Ch. 20 in lieu of individual notification-notice to the BPC and Maine Poison Control were not exempted.

Basis statement:

Surveillance data from the last decade show that mosquito-borne viruses are on the increase in Maine. The first confirmed human case of West Nile Virus in Maine was documented in 2012. Maine's Arboviral Illness Surveillance, Prevention and Response Plan is based on a national model and is similar to most other states. That plan calls for the Maine Center for Disease Control and Prevention to recommend adult mosquito control programs in targeted areas of the state if the threat of mosquito-borne disease reaches the "high" or "critical" phase. Conducting these programs would not be feasible under current state law. Ch. 22 imposes operational standards that would be impractical for wide-area programs conducted in residential areas.

The amendments to Ch. 22 originally exempted wide-area vector control programs from the entire chapter. Some comments received during the comment period suggested that certain portions of Ch. 22 were appropriate and feasible for public health related mosquito control programs. The Board agreed that there was some value to retaining some of the requirements in Ch. 22 and revised the proposed amendments consistent with the comments. Notably the Equipment standards, Weather Condition standards, and Positive Identification of Target Site were retained. The sections to be exempted include Identifying and Recording Sensitive Areas, Presence of Humans and Animals, and certain specifics of Site Plans, which would not be practical in an emergency situation.

Fiscal impact of rule:

The amendments will decrease the administrative burden and costs for conducting government sponsored, wide-area vector control programs.

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry,
Board of Pesticides Control
Umbrella-Unit: **01-026**
Statutory authority: 7 M.R.S. §610(2), 22 M.R.S. §1471-R
Chapter number/title: **Ch. 51**, Notice of Aerial Pesticide Application
Filing number: **2014-165**
Effective date: 9/11/2014
Type of rule: Major substantive
Emergency rule: No

Principal reason or purpose for rule:

Surveillance data from the last decade show that mosquito-borne viruses are on the increase in Maine. The first confirmed human case of West Nile Virus was documented in 2012. Due to threat of a disease outbreak, the Maine Center for Disease Control and Prevention may recommend wide-area mosquito control programs in targeted areas of the state in coming years. These programs would be very difficult to conduct under current state law, since Ch. 20 requires authorization from individual land owners and Ch. 22 imposes operational standards that would be impractical for wide-area programs conducted in residential areas. The amendment to Ch. 20 relaxes the need for individual property owner authorization when the Maine CDC recommends spraying due to vector-borne disease threats. The amendments to Ch. 22 exempt certain sections when the Maine CDC recommends spraying due to vector-borne disease threats - Identifying and Recording Sensitive Areas; Presence of Humans and Animals, and certain specifics of Site Plans-which would not be practical in an emergency situation. The amendments to Ch. 51 exempt government-sponsored, wide-area vector control programs from most of the chapter - notice requirements are included in Ch. 20 in lieu of individual notification-notice to the BPC and Maine Poison Control were not exempted.

Basis statement:

Surveillance data from the last decade show that mosquito-borne viruses are on the increase in Maine. The first confirmed human case of West Nile Virus in Maine was documented in 2012. Maine's Arboviral Illness Surveillance, Prevention and Response Plan is based on a national model and is similar to most other states. That plan calls for the Maine Center for Disease Control and Prevention to recommend adult mosquito control programs in targeted areas of the state if the threat of mosquito-borne disease reaches the "high" or "critical" phase. Conducting these programs would not be feasible under current state law.

Ch. 51 details requirements for notice of aerial applications. Originally, the intent of the Board was to exempt government-sponsored, wide-area vector control programs from the entire chapter because notice requirements are included in Ch. 20 in lieu of individual notification. Comments received during comment period suggested that certain elements of Ch. 51 were still feasible. The Board agreed with those comments and revised its proposed amendments consistent with the comments. Notably, the Board decided there was value in retaining the requirement for notice to the Board and Maine Poison Control Center as described in the chapter.

Fiscal impact of rule:

The amendments will decrease the administrative burden and costs for conducting government sponsored, wide-area vector control programs.

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry,
Board of Pesticides Control
Umbrella-Unit: **01-026**
Statutory authority: 7 MRS §610; 22 MRS §1471-M
Chapter number/title: **Ch. 20**, Special Provisions
Filing number: **2014-279**
Effective date: 12/9/2014
Type of rule: Routine technical
Emergency rule: No

Principal reason or purpose for rule:

Add current Board policy requiring applicators to positively identify application sites in a manner approved by the Board. This requirement is currently in policy, but putting it in rule would make it enforceable.

Basis statement:

Every year, the Board receives complaints of commercial applicators making applications to the incorrect site. In 2005 the Board adopted a policy requiring applicators to positively identify the proper treatment site using a method detailed in the policy. The Board would like the requirement to be in rule in order to be enforceable. Details regarding methods and procedures will continue to be in policy so as to easily adapt to changing technologies.

Fiscal impact of rule:

The amendments should reduce the administrative burden on businesses.

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry,
Board of Pesticides Control
Umbrella-Unit: **01-026**
Statutory authority: 22 MRSA §§ 1471-D
Chapter number/title: **Ch. 31**, Certification and Licensing Provisions / Commercial Applications
Filing number: **2014-280**
Effective date: 12/9/2014
Type of rule: Routine technical
Emergency rule: No

Principal reason or purpose for rule:

Three amendments are proposed:

1. Clarify that certain applications are exempt from commercial licensing requirements.

These are currently in policy:

- Adults applying repellents to children with the written consent of parents/guardians;
- Persons installing antimicrobial metal hardware.

2. Exempt aerial applicators certified in other states from passing a written regulation exam and allow for issuance of reciprocal licensing when the staff determines that an urgent pest issue exists and when staff verbally reviews pertinent Maine laws with the applicator.

3. Shorten the time period a person must wait before re-taking an exam they have failed.

Basis statement:

Three section of Chapter 31 were the subject of amendments proposed by the Board:

- 1) Certain types of pesticide applications that fell under the requirements for an applicators license under Chapter 31 didn't make sense from a public benefit perspective and have been exempted by Board policy: adults applying repellents to children and persons installing antimicrobial metal hardware. Consequently, the Board determined it made sense to incorporate these exemptions into rule.

- 2) The process of certifying and licensing an applicator is a lengthy process. In an emergency situation, such as a mosquito-borne disease epidemic, time is of the essence. The Board felt it made sense to offer reciprocal licenses for aerial applicators in an emergency situation, as long as the staff reviewed pertinent laws prior to initial applications.

- 3) Based on suggestions from constituents, the Board proposed to shorten the time period a person must wait before re-taking an exam they had failed.

Fiscal impact of rule:

The amendments should reduce the administrative burden on businesses.

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry,
Board of Pesticides Control
Umbrella-Unit: **01-026**
Statutory authority: 22 MRSA §§ 1471-D
Chapter number/title: **Ch. 32**, Certification and Licensing Provisions / Private Applications
Filing number: **2014-281**
Effective date: 12/9/2014
Type of rule: Routine technical
Emergency rule: No

Principal reason or purpose for rule:

Shorten the time period a person must wait before re-taking an exam they have failed.

Basis statement:

Based on suggestions from constituents, the Board proposed to shorten the time period a person must wait before re-taking an exam they had failed.

Fiscal impact of rule:

The amendments should reduce the administrative burden on businesses.

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry,
Board of Pesticides Control
Umbrella-Unit: **01-026**
Statutory authority: 22 MRSA §§ 1471-D(2-D); 22 MRSA 1471-M(1)(C-1)
Chapter number/title: **Ch. 33**, Certification and Licensing Provisions / Private
Applications of General Use Pesticides (Agricultural Basic License)
Filing number: **2014-282**
Effective date: 12/9/2014
Type of rule: Routine technical
Emergency rule: No

Principal reason or purpose for rule:

Shorten the time period a person must wait before re-taking an exam they have failed.

Basis statement:

Based on suggestions from constituents, the Board proposed to shorten the time period a person must wait before re-taking an exam they had failed.

Fiscal impact of rule:

The amendments should reduce the administrative burden on businesses.

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry,
Board of Pesticides Control
Umbrella-Unit: **01-026**
Statutory authority: 7 MRSA §§ 601-625; 22 MRSA § 1471-X
Chapter number/title: **Ch. 41**, Special Restrictions on Pesticide Use
Filing number: **2014-283**
Effective date: 12/9/2014
Type of rule: Routine technical
Emergency rule: No

Principal reason or purpose for rule:

Amend Section 3 to eliminate the restrictions on hexazinone relative to pesticide distributors and air-assisted application equipment.

Basis statement:

Restrictions to hexazinone were originally put into place because of concern for its tendency to leach into water. The rule required that products containing hexazinone be sold only by licensed distributors and used only by licensed applicators. In addition, the rule prohibited application of hexazinone by air-assisted application equipment.

A constituent requested that the requirements for hexazinone be repealed because the new Agricultural Basic License requirement would ensure that anyone using the product would be licensed anyway and the requirement to check licenses was a hardship on distributors. The Board agreed, and proposed repealing most of the restrictions for hexazinone from Ch. 41, except that it proposed retaining the requirement that the product only be applied by licensed applicators.

Fiscal impact of rule:

The amendments should reduce the administrative burden on businesses.

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry, **Bureau of Forestry (Maine Forest Service)**
Umbrella-Unit: **01-669**
Statutory authority: 12 MRSA §8869
Chapter number/title: **Ch. 20**, Forest Regeneration and Clearcutting Standards
Filing number: **2014-042**
Effective date: 5/1/2014
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

This rule amendment places Forest Operations Notification requirements in a new, separate rule, per legislative direction; updates definitions to reflect past rule changes in other chapters; removes the requirement that a licensed professional forester certify that regeneration standards have been met for Category 2 and Category 3 clearcuts; and, removes the requirement that a landowner file a report along with certification that the regeneration standards have been met for Category 2 and Category 3 clearcuts.

Basis statement:

The statutory authority for this rule is 12 M.R.S., c. 805, sub-c. 5, as amended by the 125th Maine Legislature by Public Law 2011, ch. 532. The law required the Commissioner, through the Maine Forest Service (MFS), to establish a separate rule for Forest Operations Notifications (the notification rules formerly constituted a section of MFS Ch. 20 Rules, *Forest Regeneration and Clearcutting Standards*). The legislation also contained direction for simplifying the notification requirements. The legislation designated this rule-making as routine technical.

Fiscal impact of rule:

The MFS has determined that the operation of this rule will not have a fiscal impact on the state treasury, municipalities, or counties. Over time, the MFS may realize some efficiencies in its administrative operations; however, these benefits cannot be quantified at this time.

State government: The MFS will enforce this rule using existing resources.

Municipal and county government: This rule will not have a fiscal impact on municipalities or counties.

Impact on small businesses: This rule will not have a fiscal impact on small businesses, as it is simply a recodification of existing rules.

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry,
Bureau of Forestry (Maine Forest Service)
Umbrella-Unit: **01-669**
Statutory authority: 12 MRSA §8883-B; P.L. 2011 c. 532
Chapter number/title: **Ch. 26** (*New*), Forest Operations Notification Standards
Filing number: **2014-043**
Effective date: 5/1/2014
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

This rule amendment places Forest Operations Notification requirements in a new, separate rule, per legislative direction; provides an exemption for certified erosion control contractors under certain circumstances, and adds forestry activities in the LUPC jurisdiction and "chop and drop" activities to the notification process.

Basis statement:

The statutory authority for this rule is 12 M.R.S., c. 805, sub-c. 5, as amended by the 125th Maine Legislature by Public Law 2011, ch. 532. The law required the Commissioner of Conservation, through the Maine Forest Service (MFS), to establish a separate rule for Forest Operations Notifications (the notification rules formerly constituted a section of MFS Ch. 20 Rules, *Forest Regeneration and Clearcutting Standards*). The legislation also contained direction for simplifying the notification requirements. The legislation designated this rulemaking as routine technical.

Fiscal impact of rule:

The MFS has determined that the operation of this rule will not have a fiscal impact on the state treasury, municipalities, or counties. Over time, the MFS may realize some efficiencies in its administrative operations; however, these benefits cannot be quantified at this time.

State government: The MFS will enforce this rule using existing resources.

Municipal and county government: This rule will not have a fiscal impact on municipalities or counties.

Impact on small businesses: This rule will not have a fiscal impact on small businesses, as it is simply a recodification of existing rules.

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Agency name: Department of Agriculture, Conservation and Forestry,
Bureau of Forestry (Maine Forest Service)
Umbrella-Unit: **01-669**
Statutory authority: 12 MRSA §9324
Chapter number/title: **Ch. 3**, Incinerators (*repeal*)
Filing number: **2014-069**
Effective date: 4/21/2014
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

This rule has been repealed because it has been superseded by Department of Environmental Protection rule Ch. 102, *Open Burning*.

Basis statement:

(*same*)

Fiscal impact of rule:

None

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Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry,
Bureau of Forestry (Maine Forest Service)
Umbrella-Unit: **01-669**
Statutory authority: PL 2013 ch. 11, *An Act to Eliminate the Forest Certification Incentive Cost-share Fund*
Chapter number/title: **Ch. 22**, Certified Resource Manager Grant Program (*repeal*)
Filing number: **2014-070**
Effective date: 4/21/2014
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

The Maine Forest Service has permanently repealed its Ch. 22 rule, *Certified Resource Manager Grant Program*, as directed by Public Law 2013 ch. 11. The law and rule were identified as obsolete. This rule-making will not create new administrative burdens or compliance-related costs for any party, including but not limited to municipal and county governments.

Basis statement:

(same)

Fiscal impact of rule:

None

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Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry, **Bureau of Parks and Lands**
Umbrella-Unit: **01-670**
Statutory authority: 12 MRSA §1803(6)
Chapter number/title: **Ch. 1**, Rules for State Parks and Historic Sites
Filing number: **2014-147**
Effective date: 7/19/2014
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

Existing rules are being amended to address issues raised by visitors, make them consistent with current acceptable practices, and expand public use opportunities.

Basis statement:

Certain existing rules are inconsistent with current acceptable practices. In addition, visitors have requested changes to expand public use opportunities and make campsites available on a more equitable basis.

Described below are the proposed amendments to existing state parks and historic site rules to address these matters.

- Intoxicating beverages will continue to be prohibited in historic sites, day use areas, and in common public areas in campgrounds. However, intoxicating beverages will be allowed on individual campsites.
- Pets must be on a leash under the physical control of the pet handler and will be allowed on beaches after September 30th and before April 1st.
- The end date for the time period within which the 14 day cumulative camping limit applies will be reduced from the last Saturday in August to the third Saturday in August.
- Campsites may not be left unattended more than two nights without prior approval and unattended equipment shall be removed from the site.
- Campsite occupancy definitions are being clarified.
- The time period when generators may be used will be expanded by one hour in the morning and evening to 8 a.m. to 8 p.m.
- Hunting may occur in previously permitted areas between May 1st and September 30th in accordance with Maine Department of Inland Fisheries and Wildlife laws and rules.

Fiscal impact of rule:

Increased recreational opportunities may result in increased use, generating more revenue for the General Fund.

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Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry,
Bureau of Parks and Lands
Umbrella-Unit: **01-670**
Statutory authority: 12 MRSA §1803(6)
Chapter number/title: **Ch. 2**, Rules and Regulations for the Allagash Wilderness Waterway
Filing number: **2014-148**
Effective date: 7/19/2014
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

Existing rules are being amended accordance with revisions made in 2012 to the Allagash Wilderness Waterway Management Plan and state law enacted relating to locations where concealed weapons may be carried.

Basis statement:

In 2012, following Advisory Committee and public meetings, the *Allagash Wilderness Waterway Management Plan* was revised. In addition, state law was enacted relating to locations where concealed weapons may be carried.

Described below are the proposed amendments to existing Allagash Wilderness Waterway rules necessary to address changes made in the Management Plan and to comply with state law.

- Winter camping will be allowed off authorized campsites.
- Snowmobile access will be allowed at Smith Brook and Nugent's Camps in substitution for currently authorized trails at Indian Stream and Bruntland Brook.
- A TV s will be allowed during winter months on designated snowmobile trails when lack of snow cover limits access.
- The authorized air craft landing on Churchill Lake at the Jaws will be relocated to the dam.
- Aircraft landing, on open water, on the watercourse, may only occur at locations established in rule. Aircraft landing, on open water, at other locations within the One Mile area can occur with prior approval of the Bureau.
- One authorized foot trail to Priestly Mountain will be eliminated while a portage trail between Telos Dam and Webster Lake and a trail at Sandy Point will be added.
- Firearm provision will be amended to allow a concealed handgun to be carried by qualifying individuals consistent with 12 MRSA §1803 (7). Provisions for the transport of firearms across the restricted zone at permanent watercourse crossings will be added.

Fiscal impact of rule:

Increased recreational opportunities may result in increased use, generating more revenue for the state, private sporting camps and guides.

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Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry, **Land Use Planning Commission**
Umbrella-Unit: **01-672**
Statutory authority: 12 MRSA §§ 685-A(7-A), 689
Chapter number/title: **Ch. 10**, Land Use Guidance Maps (Amended Zoning Maps), Zoning Petition **ZP 745** (Grand Falls Twp. – Penobscot County)
Filing number: **2014-022**
Effective date: 2/18/2014
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

This is to notify your office of Commission actions to amend certain Land Use Guidance Maps, and that notice of said changes has been published. A current copy of the map has been placed on file as required.

A copy of the map may be obtained from the Augusta office upon request, by calling (207) 287-2631 or e-mailing LUPC@Maine.gov .

Basis statement:

Pursuant to 12 MRSA ch. 206-A §§ 685-A(7-A) and 689, the Maine Land Use Planning Commission hereby gives notice of its approval of certain amendments to official Land Use Guidance Maps and that these changes have been placed on file with the appropriate County Registry of Deeds:

ZONING PETITION: ZP 745

PETITIONER OR COPETITIONER: Jeffrey & Theresa Harriman

LOCATION: Grand Falls Twp. - Penobscot County

Fiscal impact of rule:

n/a

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry, **Land Use Planning Commission**
Umbrella-Unit: **01-672**
Statutory authority: 12 MRSA §§ 685-A(7-A), 689
Chapter number/title: **Ch. 10**, Land Use Guidance Maps (Amended Zoning Maps), Zoning Petition **ZP 744** (Big Moose Twp. – Piscataquis County); **ZP 578A** (Metinic Island, Knox County); **ZP 747** (Lincoln Plt., Oxford County)
Filing number: **2014-125**
Effective date: 6/18/2014
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

This is to notify your office of Commission actions to amend certain Land Use Guidance Maps, and that notice of said changes has been published. A current copy of the map has been placed on file as required.

A copy of the map may be obtained from the Augusta office upon request, by calling (207) 287-2631 or e-mailing LUPC@Maine.gov .

Basis statement:

Pursuant to 12 MRSA ch. 206-A §§ 685-A(7-A) and 689, the Maine Land Use Planning Commission hereby gives notice of its approval of certain amendments to official Land Use Guidance Maps and that these changes have been placed on file with the appropriate County Registry of Deeds:

ZONING PETITION: ZP 744
PETITIONER OR COPETITIONER: C&E Real Estate, LLC
LOCATION: Big Moose Twp. – Piscataquis County

ZONING PETITION: ZP 578A
PETITIONER OR COPETITIONER: Maine Land Use Planning Commission
LOCATION: Metinic Island – Knox County

ZONING PETITION: ZP 747
PETITIONER OR COPETITIONER: Stephen Phillips Memorial Scholarship Fund
LOCATION: Lincoln Plt. - Oxford County

Fiscal impact of rule:

n/a

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Department of Agriculture, Conservation and Forestry, **Land Use Planning Commission**
Umbrella-Unit: **01-672**
Statutory authority: 12 MRSA §§ 685-A(7-A), 689
Chapter number/title: **Ch. 10**, Land Use Guidance Maps (Amended Zoning Maps), Zoning Petition **ZP 748** (Kingsbury Plt. – Piscataquis County)
Filing number: **2014-232**
Effective date: 9/17/2014
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

This memo and attachment is to notify your office of Commission actions to amend certain Land Use Guidance Maps, and that notice of said changes has been published. A current copy of the map has been placed on file as required.

A copy of the map may be obtained from the Augusta office upon request, by calling (207) 287-2631 or e-mailing LUPC@Maine.gov .

Basis statement:

Pursuant to 12 MRSA ch. 206-A §§ 685-A(7-A) and 689, the Maine Land Use Planning Commission hereby gives notice of its approval of certain amendments to official Land Use Guidance Maps and that these changes have been placed on file with the appropriate County Registry of Deeds:

ZONING PETITION: ZP 748

PETITIONER OR COPETITIONER: Land Use Planning Commission

LOCATION: Kingsbury Plt. - Piscataquis County

Fiscal impact of rule:

n/a